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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,754	07/08/2003	Zeena Jetha	16350-32US	6139
27155	7590	12/01/2005	EXAMINER	
MCCARTHY TETRAULT LLP BOX 48, SUITE 4700, 66WELLINGTON STREET WEST TORONTO, ON M5K 1E6 CANADA			LUU, MATTHEW	
			ART UNIT	PAPER NUMBER
			3663	

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/614,754	JETHA ET AL.	
	Examiner	Art Unit	
	LUU MATTHEW	3663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on September 19, 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 8-11 and 16-27 is/are rejected.
- 7) ☒ Claim(s) 4-7 and 12-15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

Claims 20-27 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding the new independent claims 20 and 24, lines 5-8, "distorting said original image in respective regions surrounding said points to produce a distorted image by displacing said original image onto a lens for each region and perspectively projecting said displacing onto a plane in a direction aligned with a viewpoint for said region, whereby said boundary is accurately positioned for cropping", contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Dependent claims are also considered rejected for incorporating the defects from their respective parent claims by dependency.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 8-11 and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jogo (US 2001/0048447) in view of Buxton et al (5,798,752).

Regarding claim 1, Jogo discloses (Figs. 2, 8A-9B) a method for cropping a computer generated original image (100) on a display (37), comprising the steps of:

adjusting a user-selected movable boundary (crop reference line 98, crop boundary 98a, or lower horizontal line 98c) on the original image (100) to define a cropped image within the boundary (page 7, section (0092) and section (0093, lines 1-4)), the boundary (98a) define by a reference point (98e); and

distorting (enlarging or reducing the cropped image) the original image (100) in regions (upper and lower horizontal regions within the crop boundary 98a) surrounding the reference point (98e), whereby the boundary (98a) is accurately positioned for cropping. See page 6, section (0078, lines 1-4). Furthermore, the word "distort" as defined in Webster's New World Dictionary, Third College Edition, "change the usual or normal shape, form, or appearance". Thus, by enlarging or reducing the cropped image, it will change the appearance of the original image.

Furthermore, image distortion such as enlargement or reduction is well known in the art.

The only difference between the disclosure of Jogo and the claimed invention is that the claim 1 requires two or more points on the original image, instead of only one reference point (98e) as disclosed by Jogo.

However, Buxton discloses (Figs. 1 and 25) a graphical user interface (GUI) for manipulating the graphical images, wherein as shown in Fig. 25, the original image having a plurality of user interface objects or points, called handles, on top of scene image. By pointing at these points or handles with a cursor, users can perform translation, scaling, and stretching (distortion) on the object image. See column 20, lines 43-57. It would have been obvious to a person of ordinary skill in the art to use the graphics user interface control points or handles to scale, stretch, or distort the object image, as taught by Buxton, into the image cropping system of Jogo to provide a user interface technique that allows a user to perform moving, scaling, and stretching the original image as desired by the user with fewer actions, thereby significantly enhancing productivity.

Regarding claim 2, Buxton discloses (Fig. 25) the step of creating a lens surface (the overlay sheet with nine points of handles) and applying a distortion function (the stretching function) (see column 20, lines 49-50 and 57-63).

Regarding claim 3, Buxton discloses (Fig. 25) the step of displaying a graphical user interface (interface objects called handles) (column 20, lines 43-46) over the original object image.

Regarding claim 8, Jogo discloses (Fig. 8A) the movable boundary (98a) is a polygon.

Regarding claim 9, Jogo discloses (Figs. 2, 8A-9B) a method for cropping a computer generated original image (100) on a display (37), comprising the steps of:

adjusting a user-selected movable line segment (crop reference line 98, crop boundary 98a, or lower horizontal line 98c) on the original image (100); and

distorting (enlarging or reducing the cropped image) the original image (100) in regions surrounding the reference point (98e) (upper and lower horizontal regions within the crop boundary 98a). Furthermore, the word "distort" as defined in Webster's New World Dictionary, Third College Edition, "change the usual or normal shape, form, or appearance". Thus, by enlarging or reducing the cropped image, it will change the appearance of the original image.

The only difference between the disclosure of Jogo and the claimed invention is that the claim 9 requires points on the original image which, whereby the points are accurately positioned for measuring.

However, Buxton discloses (Figs. 1 and 22) a graphical user interface (GUI) for measuring the graphical images, wherein as shown in Fig. 22, the user can select to click on the object image from the first point to a second point to find out the measured length and slope. See column 19, lines 60-63. It would have been obvious to a person of ordinary skill in the art to use the graphics user interface measuring tools, as taught by Buxton, into the image cropping system of Jogo to provide a user interface technique that allows a user to measure the geometric properties, namely coordinates, lengths, slopes, and angles of the original image as desired by the user to allow the user to cut,

paste, and manipulate the original photo image in different sizes, angles, and orientations with fewer actions, thereby significantly enhancing productivity.

Regarding claim 10, Buxton discloses (Fig. 25) the step of creating a lens surface (the overlay sheet with nine points of handles) and applying a distortion function (the stretching function) (see column 20, lines 49-50 and 57-63).

Regarding claim 11, Buxton discloses (Fig. 25) the step of displaying a graphical user interface (interface objects called handles) (column 20, lines 43-46) over the original object image.

Regarding claim 16, Jogo discloses (Fig. 8A) both of the boundary line (98a) and lower horizontal line (98c) are straight lines. Buxton further discloses (Fig. 22) the distance between two points is a straight line.

Regarding claim 17, Buxton discloses (Fig. 12) multiple image layers.

Regarding claims 18 and 19, Buxton discloses (Fig. 12) a predetermined selection of the layers. Column 16, lines 19-33.

***Allowable Subject Matter***

Claims 4-7 and 12-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

Applicant's arguments filed September 27, 2005 have been fully considered but they are not persuasive.

The Applicant argues, on pages 9-11, by asserting that both of Jogo and Buxton do not disclose distorting the original image. The examiner respectfully disagrees.

Jogo clear teaches "The extracted image data is expanded or compressed to enlarge or deduce the cropped image in accordance with the size of each frame 93a of the template 93, i.e. 5.0 cm x 4.0 cm" (Section 78, lines 1-4). Therefore, based on this teaching, Jogo clearly teaches the image distortion, i. e. enlargement or reduction.

On the other hand, Buxton also discloses (Fig. 25) wherein the circle image being distorted (stretched) to become an elliptical image. See column 20, lines 43-63.

The Applicant further argues, on pages 13-14, by asserting that both of Jogo and Buxton do not disclose 'distorting said original image in regions surrounding said points, whereby said points are accurately positioned for measuring'. The examiner respectfully disagrees.



Buxton clearly discloses (Figs. 1 and 22) a graphical user interface (GUI) for measuring the graphical images, wherein as shown in Fig. 22, the user can select to click on the object image from the first point to a second point to find out the measured length and slope. See column 19, lines 60-63.

In response to applicant's argument that "A combination of Jogo and Buxton does not show distortion of regions surrounding points adjustment handles" (page 10), the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). Buxton discloses (Figs. 1 and 25) a graphical user interface (GUI) for manipulating the graphical images, wherein as shown in Fig. 25, the original image having a plurality of user interface objects or points, called handles, on top of scene image. By pointing at these points or handles with a cursor, users can perform translation, scaling, and stretching (distortion) on the object image. See column 20, lines 43-57. It would have been obvious to a person of ordinary skill in the art to use the graphics user interface control points or handles to scale, stretch, or distort the object image, as taught by Buxton, into the image cropping system of Jogo to provide a user interface technique that allows a user to perform moving, scaling, and stretching the original image as desired by the user with fewer actions, thereby significantly enhancing productivity.

Claims 4-7 and 12-15 are now objected to as being dependent upon a rejected base claim.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUU MATTHEW whose telephone number is (571) 272-7663. The examiner can normally be reached on Flexible Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JACK KEITH can be reached on (571) 272-7663. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Luu



**MATTHEW LUU  
PRIMARY EXAMINER**